

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No: 28192 of 2005

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DATED: 04.01.2006

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Between:

Bodda Krishna Rao

... PETITIONER

AND

The State pf A.P., rep., by its

Joint Collector,

Srikakulam, Srikakulam District.

... RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 28192 of 2006

ORDER:-

This writ petition is filed to declare the rejection of stay order in S.R.A.No.70 of 2005 S.2 dated 24.12.2005 by the respondent, as illegal, arbitrary and in violation of provisions of Essential Commodities Act and consequently to set-aside the same and to grant stay in the appeal S.R.A.No.70 of 2005 on the file of the respondent against the suspension order, dated 28.11.2005.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Civil Supplies.

Petitioner is a fair price shop dealer of Pentavooru village, Nandigam Mandal, Srikakulam District. He has been distributing the essential commodities for the last 15 years. It is stated that basing on the report of the Enforcement Staff, Sub-Collector's Office, Takkali, dated 18.11.2005, the Revenue Divisional Officer, Takkali, issued a show cause notice, dated 23.11.2005.

It is stated that in pursuance to the said show cause notice, petitioner filed his explanation denying all the charges framed in it. The Revenue Divisional Officer, Takkali, without conducting any enquiry, any justification whatsoever and without specifying any specific irregularities, suspended the authorization of the petitioner by an order, dated 28.11.2005. Aggrieved by the said order, the petitioner filed an appeal before the Joint Collector, Srikakulam. The appellate authority by an order, dated 24.12.2005, rejected the stay application.

A perusal of the suspension order goes to show that no specific irregularities have been specified and the authorization was suspended on the vague and general allegations.

Having regard to the facts and circumstances of the case, the order of the Joint Collector vide SRA.No.70 of 2005, dated 24.12.2005, is set aside and the appellate authority/Joint Collector is directed to consider and dispose of the appeal itself as

expeditiously as possible. Till the appeal is disposed of, petitioner shall be permitted to distribute the essential commodities.

It is further directed that the Revenue Divisional Officer, Takkali, before whom disciplinary proceedings are pending, may also complete the same as expeditiously as possible after giving reasonable opportunity to the petitioner.

Accordingly, the writ petition is allowed. No order as to costs.

04.01.2006

Note:- Issue CC in two days.

B/o.

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